REMARKS

Reconsideration of the above-identified application in view of the foregoing amendments and following remarks is respectfully requested.

A. Status of the Claims and Explanation of Amendments

Claims 1 and 3-10 are pending. By this paper, claims 1, 2, 8 and 10 are amended and claim 7 is cancelled without prejudice or disclaimer. Claim 1 is amended to recite "wherein the operation speed of the first drivable part can be selected only in steps, and the operation speed of the second drivable part can be selected in non-steps," which was a feature of now cancelled claim 7. Claim 1 is also amended to further clarify the timing of the operation of the first drivable part, reciting "where the anticipated operation time is not matched to the target operation time." Support for this amendment may be found throughout the application as originally filed, including for example at page 51 of the specification. Accordingly, no new matter will be added to this application by entry of these amendments

The office action objected to claim 2 for alleged informalities. [10/1/07 Office Action at p. 2]. Claim 2 has been amended to address the issue, as suggested by Examiner.

The office action rejected claims 8 and 10 under 35 U.S.C. § 112 second paragraph as being indefinite for failing to particularly point out and distinctly claim subject matter. [10/1/07 Office Action at p. 3]. The claims have been amended to clarify that there is one set of "first and second drivable parts" to address this objection.

The office action rejected claims 1, 3 and 8-10 under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,507,366 to Lee in view of U.S. Patent No. 5,614,982 to Yasukawa in further view of U.S. Patent 5,515,099 to Cortjens et. al. [10/1/07 Office Action at p. 3]. The office action also rejected claims 4-6 under § 103(a) as allegedly

being unpatentable over Lee in view of Yasukawa in further view of Cortjens in further view of Examiner's Official Notice[2]. [10/1/07 Office Action at p. 10] Lastly, the office action rejected claim 7 under § 103(a) as allegedly being unpatentable over Lee in view of Yasukawa in further view of Cortjens in further view of Applicant's admitted prior art[3]. [10/1/07 Office Action at p. 10].

Claims 1 and 3-10 are Patentably Distinct from the Cited References

The rejections of claims 1 and 3-10 are respectfully traversed. As explained more fully below, the requirements for such rejections are not met. In particular, the references do not teach, disclose or suggest "wherein the operation speed of the first drivable part can be selected only in steps, and the operation speed of the second drivable part can be selected in non-steps" or "operation of the first drivable part start when a waiting time corresponding to a time difference between the anticipated operation time and the target operation time has passed after the start command time in a case where the anticipated operation time is not matched to the target operation time" as claimed by Applicant.

Applicant's claim 1 as amended recites:

> An image-taking control apparatus controlling a first and second drivable parts of an image-taking device, such that operations of the drivable parts from their current positions to their target positions finish substantially simultaneously, the image-taking control apparatus comprising:

2 The Examiner has taken "Official Notice that it is old and well known in the art to have the speed selector select an operation speed at which the time difference becomes longest." [10/1/07 Office Action at p. 10]

3 The office action asserts that Applicant has admitted "Matsubara" as prior art. Applicant assumes that JP 58-6163, which was disclosed to the United States Patent and Trademark Office in the November 8, 2004 Information Disclosure Statement and is referenced in paragraph 0005 of the application, as originally filed, is the "Matsubara" reference. If something else was intended, Applicant respectfully requests appropriate clarification.

> a speed selector selecting an operation speed for each of the drivable parts, based on information on its current position, information on its target position, and information on a target operation time from a start command time at which an operation start of the drivable parts is commanded until the respective operations to the target positions finish; and
>
> a controller performing such control that each of the drivable parts operates at its operation speed selected by the speed selector;
>
> wherein the operation speed of the first drivable part can be selected only in steps, and the operation speed of the second drivable part can be selected in non-steps;
>
> wherein the speed selector selects a specific operation speed for the first drivable part from selectable operation speeds of the first drivable part, the specific operation speed being an operation speed at which the operation to the target position can finish within the target operation time; and
>
> wherein the controller calculates an anticipated operation time needed until the operation of the first drivable part to its target position at the specific operation speed finishes, and lets the operation of the first drivable part start when a waiting time corresponding to a time difference between the anticipated operation time and the target operation time has passed after the start command time in a case where the anticipated operation time is not matched to the target operation time."

The office action stated that Lee teaches a first drivable part whose operation speed is selected in steps. [10/1/07 Office Action at p.12]. It also conceded that Lee in view of Yasukawa in further view of Cortjens fails to disclose a second drivable part whose operation speed is selected in non-steps. Id. at 13. Accordingly, the office action cited Applicant's Admitted Prior Art, stating "it is well know in the art to have the drivable part includes a drivable

part whose operation speed can be selected in non-steps." Applicant respectfully disagrees that it would be obvious to combine the prior art to reach Applicant's claimed feature, "wherein the operation speed of the first drivable part can be selected only in steps, and the operation speed of the second drivable part can be selected in non-steps,"

Combining drivable parts whose operation speed is based on steps with those whose operation speed is based on non-steps would not be obvious because it would create problems associated with timing and synchronization. This problem only occurs when a first drivable part whose operation speed can be selected only in steps and a second drivable part whose operation speed can be selected in non-steps are simultaneously used. It desirable that operations of various drivable parts finish simultaneously, but when the speed a drivable part may only be selected in steps, it may create a discrepancy in operation time compared to non-step drivable parts. This is precisely one of the problems which are addressed by Applicant's device.

Applicant believes that none of Lee, Yasukawa, Cortjens or AAPA is directed towards the problem to be solved by the claimed device. Lee is directed towards an apparatus for automatically tracking a moving object. [Lee. Col.2 lines 11-15]. Yasukawa describes an autofocusing device capable of achieving accurate operation regardless of the subject's stability. [Yasukawa, Col.2 lines 50-56]. Cortjens teaches a video teleconferencing system. [Cortjens Col.2 lns. 55-60]. Applicant does not see in any of these references support for mixing step and non-step drivable parts, let alone how to overcome the technical problems from doing so. Therefore, it would not be obvious simply to combine step and non-step drivable parts. Accordingly, the prior art does not teach, "wherein the operation speed of the first drivable part

can be selected only in steps, and the operation speed of the second drivable part can be selected in non-steps," as claimed by Applicant.

The problem of combining step and non-step operation drivable parts may be overcome by correct timing of the first drivable part, whose speed is selected in steps. Applicant According to the claimed device (claim 1), the controller lets the operation of the first drivable part start when a waiting time corresponding to a time difference between the anticipated operation time and the target operation time has passed after the start command time in a case where the anticipated operation time is not matched to the target operation time. In other words, *the timing for starting the operation of the first drivable part is determined.* Applicant respectfully argues that this feature is also not present in the cited art, and as a result, it is impossible to match the end timings of the operations of the first and second drivable parts simply b combining the cited references.

Cortjens teaches that by synchronizing the movements of the pan and tilt mechanisms, the camera will reach the desired position at approximately the same time. [Cortjens Col. 16, lines 35-53]. That is, Cortjens teaches only that the camera will reach the desired position by setting the driving speeds of the pan and tilt mechanisms. It is silent on timing the start of the first drivable part.

The feature is similarly lacking in Yasukawa and Lee. Yasukawa describes an autofocus system wherein target drive speed of the lens positioning may be adjusted due to detected deviations in the position of the subject to be focused. [Yasukawa col.3 lines 10-40]. Again, although Yasukawa describes adjusting drive speed to compensate for deviations, it is silent on the start time of the drivable part. As to Lee, the office action conceded Lee does not teach "operation of the first drivable part start when a waiting time corresponding to a time

difference between the anticipated operation time and the target." . [10/1/07 Office Action at p.4]. Accordingly, none of the cited references teaches, discloses or suggests "operation of the first drivable part start when a waiting time corresponding to a time difference between the anticipated operation time and the target operation time has passed after the start command time in a case where the anticipated operation time is not matched to the target operation time," as claimed by applicant.

As Applicant cannot find the "operation speed of the first drivable part can be selected only in steps, and the operation speed of the second drivable part can be selected in non-steps" or "operation of the first drivable part start when a waiting time corresponding to a time difference between the anticipated operation time and the target operation time has passed after the start command time in a case where the anticipated operation time is not matched to the target operation time" elements of claim 1 in Lee, Yasukawa, AAPA or Cortjens, at least independent claim 1 and its dependent claims 3-10 are respectfully asserted to be in condition for allowance.

CONCLUSION

For the above-stated reasons, this application is respectfully asserted to be in condition for allowance. An early and favorable examination on the merits is requested. In the event that a telephone conference would facilitate the examination of this application in any way, the Examiner is invited to contact the undersigned at the number provided.

THE COMMISSIONER IS HEREBY AUTHORIZED TO CHARGE ANY ADDITIONAL FEES WHICH MAY BE REQUIRED FOR THE TIMELY CONSIDERATION OF THIS AMENDMENT UNDER 37 C.F.R. §§ 1.16 AND 1.17, OR CREDIT ANY OVERPAYMENT TO DEPOSIT ACCOUNT NO. 13-4500, ORDER NO. 1232-5296.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: January 2, 2008

By: 

Allen Chein
Registration No. 57,451

Correspondence Address:
MORGAN & FINNEGAN, L.L.P.
3 World Financial Center
New York, NY 10281-2101
(212) 415-8700 Telephone
(212) 415-8701 Facsimile